

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**MARLENE McINTIRE,**

**Plaintiff,**

**Case No. 3:09-cv-160**

**vs.**

**Judge Thomas M. Rose**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Magistrate Judge Sharon L. Ovington**

**Defendant.**

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**ENTRY AND ORDER OVERRULING THE COMMISSIONER'S  
OBJECTIONS (Doc. #21) TO THE MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATIONS REGARDING ATTORNEYS' FEES;  
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATIONS REGARDING ATTORNEYS' FEES (Doc. #20) IN  
ITS ENTIRETY; GRANTING McINTIRE'S MOTION FOR ATTORNEYS'  
FEES IN THE AMOUNT OF \$3,010.95 AND ORDERING THE  
COMMISSIONER TO PAY McINTIRE'S AWARD OF ATTORNEYS'  
FEES DIRECTLY TO HER COUNSEL OF RECORD**

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Plaintiff Marlene McIntire previously obtained a remand of this matter to the Social Security Administration. This case is now before the Court upon a Report and Recommendation that McIntire be awarded attorneys' fees in the amount of \$3,010.95 and that this award be paid directly to her Counsel of Record. The Commissioner has objected to this Report and Recommendations and the time has run and McIntire has not responded. This matter is, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Based upon the reasoning

and citations of authority set forth in the Magistrate Judge's Report and Recommendations (doc. #20) and in the Commissioner's Objections to this Report and Recommendations (doc. #21), as well as upon a thorough de novo review of this Court's file, including the Administrative Transcript, and a thorough review of the applicable law, this Court adopts the aforesaid Report and Recommendations in its entirety and, in so doing, awards attorneys' fees to McIntire payable to her Counsel of Record. Finally, the Commissioner's Objections to the Magistrate Judge's Report and Recommendations are overruled.

This Court adopts the Report and Recommendations of the United States Magistrate Judge (doc. #20) in its entirety. McIntire's Motion for Attorneys' fees is GRANTED and McIntire is awarded attorneys' fees in the amount of \$3,010.95. This amount is payable to McIntire's Counsel of Record. Judgment is to be entered in favor of McIntire and against the Commissioner. Finally, the captioned cause remains terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

**DONE** and **ORDERED** in Dayton, Ohio, this Tenth Day of May, 2011.

s/Thomas M. Rose

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JUDGE THOMAS M. ROSE  
UNITED STATES DISTRICT COURT

Copies furnished to: Counsel of Record